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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,328	04/03/2001	Srinivas Gutta	US010164	1775

24737 7590 02/09/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2685

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,328

Applicant(s)

GUTTA ET AL.

Examiner

Duc M. Nguyen

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-16,19-26,29-33 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11,21,31,38,39,41 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2-6,9,10,12-16,19,20,22-26,29,30,32,33,36,37,40,42-44,46 and 47.

DETAILED ACTION

This action is in response to applicant's response filed on 11/25/05. Claims 1-6, 9-16, 19-26, 29-33, 36-47 are now pending in the application. **This action is made final.**

Election/Restrictions

1. Newly submitted claims 40, 42-44, 46-47 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Recall that this application has been restricted in the previous Office Action mailed on 5/17/05, wherein the restriction is made as follow,

- I. Claims 1, 11, 21, 31, 38-39 drawn to a method for recommending an item based on user's preferences under one or more environmental conditions, classified in class 705, subclasses 10, 26
- II. Claims 2-4, 12-14, 22-24 drawn to a method for recommending a radio station, or content or product based on user's preferences under one or more environmental conditions, classified in class 705, subclasses 10, 26 and class 455, subclasses 3.01+, 432.3.
- III. Claims 5-8, 15-18, 25-28, 32-35 drawn to a method for recommending an item based on different environmental conditions such as location, weather or user motion, classified in class 705, subclasses 10, 26 and class 455, subclass 456.1.

- IV. Claims 9-10, 19-20, 29-30, 36-37 drawn to a method for recommending an item based on preferences of a user profile, classified in class 705, subclasses 10, 26 and class 455, subclass 433.

Since applicant has received an action on the merits for the originally presented invention (group I, claims 1, 11, 21, 31, 38-39), by amending claims 1, 11, 21, 31, 38-39 to include limitations of group III (claims 5-8, 15-18, 25-28, 32-35), Applicant has conditionally elected group III for further prosecution.

Since applicant has received an action on the merits for the originally presented invention (group I), this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, dependent claims 40, 42-44, 46-47 which comprise limitations from groups II and IV withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. This application contains claims 2-6, 9-10, 12-16, 19-20, 22-26, 29-30, 32-33, 36-37, 40, 42-44, 46-47 drawn to an invention nonelected with traverse in the response filed on 6/17/05 and also claims 40, 42-44, 46-47 in this Office Action. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 11, 21, 31, 38-39, 41, 45** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Delgado** (US 2002/0052873).

Regarding claim **1**, **Delgado** discloses a method for recommending an item (i.e., vacation) to a user, comprising the steps of:

- observing preferences of said user under one or more environmental conditions (see [0037]-[0041]); and
- generating a recommendation score for said item based on features of said item and said observed preferences of said user under said one or more environmental conditions (see [0048]—[0051], wherein the matching percentage score for ranking would read on the “recommendation score” as claimed with the broadest reasonable interpretation), wherein the one or more environmental conditions includes at least one of weather condition as claimed (see [0041]).

Therefore, the claimed limitation regarding a recommend score is made obvious by **Delgado**.

Regarding claims **11, 31, 39**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, since **Delgado** discloses the method is used for recommending a vacation, it is clear that the recommending vacation would obviously be based on a given time as claimed (i.e., see [0057], regarding Time factors: early Jan, Mid Jan, Late Jan, etc...).

Regarding claims **21, 38**, the claims are rejected for the same reason as set forth in claim 1 above, wherein it is clear that a computer readable medium is obviously, if not inherently, required in order to compute scores and generate recommended items to a user (see Figs. 1-2).

Regarding claims **41, 45**, the claims are rejected for the same reason as set forth in claims 38-39 above. In addition, since **Delgado** discloses the method is used for recommending a vacation, it is clear that the recommending vacation would obviously be based on an region, area or at least one of a location as claimed (i.e, see [0057] regarding region factors, and see also [0053] regarding location filter).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 11, 21, 31, 38-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any response to this final action should be mailed to:

Box A.F.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry)

(571)-273-7893 (for informal or draft communications).

Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Edward Urban (Supervisor) whose telephone number is (571) 272-7899.

Duc M. Nguyen

Feb 2, 2006

